

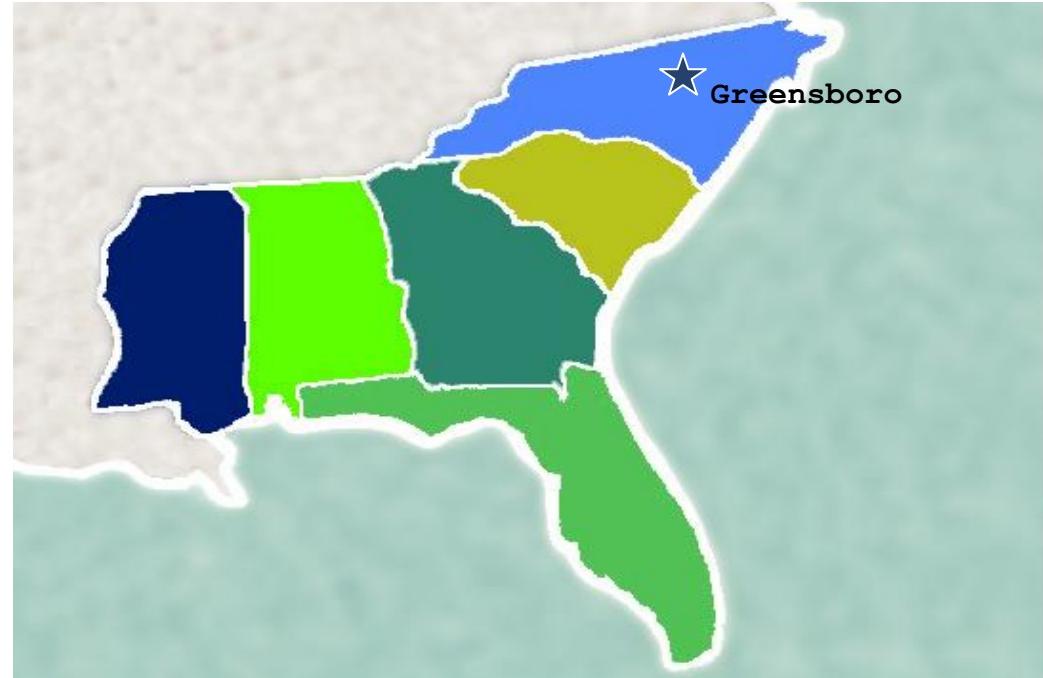
# REGIONAL EDUCATIONAL LABORATORY

## SOUTHEAST ~ SERVECenter

### EVIDENCE BASED EDUCATION REQUEST DESK

#### OUR GOAL

To assist educators and policymakers in their efforts to apply the evidence base to decisions about policies, programs, and practices they encounter.



#### REQUEST:

- Which states have laws that require schools to serve expelled students?

If you have any questions regarding this document, please contact the REL-SE, 1-800-755-3277  
or [RELSoutheast@serve.org](mailto:RELSoutheast@serve.org)

## RESPONSE

State	Law requires schools to serve expelled students?
Alabama	No. According to James Knuckles, Education Administrator in the Office of the General Counsel, there is no such law in place. Expelled students give up their rights.
Arkansas	No. However, “Arkansas law requires that school discipline codes ‘include prevention, intervention, and conflict resolution provisions,’ A.C.A. § 6-18-502, and that ‘those at risk of not satisfactorily completing a high school education’ be identified as eligible for alternative education services. A.C.A. § 6-18-503.” <a href="http://www.studentadvocacycenter.org/legalresources/publications/rubincomparisonchart_final.xls">http://www.studentadvocacycenter.org/legalresources/publications/rubincomparisonchart_final.xls</a> and <a href="http://www.studentadvocacycenter.org/legalresources/publications/Dan_Rubin_NotesForChart_7_28_03-1.doc">http://www.studentadvocacycenter.org/legalresources/publications/Dan_Rubin_NotesForChart_7_28_03-1.doc</a>
Delaware	No. However, “except as otherwise provided in this regulation, any student who is expelled by a local school district, who is subject to expulsion or who otherwise seriously violates the district discipline code shall be eligible for placement at a Consortium Discipline Alternative Program site.”  “Any student expelled or suspended pending expulsion for behavior equivalent to a violation of the following is not eligible for, and may not be placed at a Consortium Discipline Alternative Program site. 2.1 11 Del.C. §613 Assault in the First Degree; class C felony; or 2.2 11 Del.C. §1457 Possession of a Weapon in a Safe School and Recreation Zone; class D, E, or F; class A or B misdemeanor; or 2.3 11 Del.C. §802 Arson in the Second Degree affirmative defense; class D felony; or 2.4 11 Del.C. §803 Arson in the first degree; class C felony; or 2.5 11 Del.C. §770 Rape in the fourth degree; class C felony; or 2.6 11 Del.C. §771 Rape in the third degree; class B felony; or 2.7 11 Del.C. §772 Rape in the second degree class B felony; or

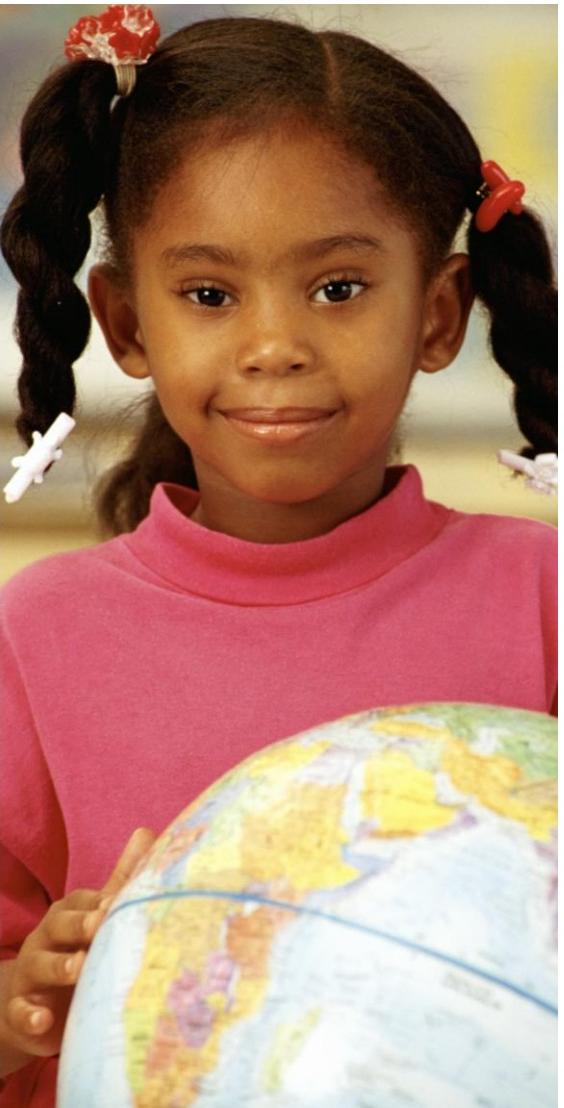
State	Law requires schools to serve expelled students?
	<p>2.8 11 Del.C. §773 Rape in the first degree class A felony; or      2.9 16 Del.C. §4753A Trafficking in marijuana, cocaine, illegal drugs, methamphetamine, LSD, or designed drugs or      2.10 Any behavior equivalent to or greater than the offenses in 2.1 through 2.9.”  <a href="http://regulations.delaware.gov/AdminCode/title14/600/index.shtml">http://regulations.delaware.gov/AdminCode/title14/600/index.shtml</a>      and  <a href="http://www.studentadvocacycenter.org/legalresources/publications/rubincomparisonchart_final.xls">http://www.studentadvocacycenter.org/legalresources/publications/rubincomparisonchart_final.xls</a></p>
Florida	<p>No.      According to the Office of Student Support Services, there is no such law.</p>
Georgia	<p>No.      According to Jerry Randolph in the Office of Safe Schools, there is no such law in place.</p>
Kentucky	<p>Yes.      “Kentucky mandates that ‘a board that has expelled a student from the student’s regular school setting shall provide or assure that educational services are provided to the student in an appropriate alternative program or setting.’ KRS § 158.150(2).”  <a href="http://www.studentadvocacycenter.org/legalresources/publications/rubincomparisonchart_final.xls">http://www.studentadvocacycenter.org/legalresources/publications/rubincomparisonchart_final.xls</a>      and</p>

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Louisiana	<p>Yes.</p> <p>“Louisiana provides that ‘any student suspended or expelled from school...shall remain under the supervision of the governing authority of the school system taking such action using alternative education programs.’ LSA-R.S. 17:416.2(A).”</p> <p><a href="http://www.studentadvocacycenter.org/legalresources/publications/rubincomparisonchart_final.xls">http://www.studentadvocacycenter.org/legalresources/publications/rubincomparisonchart_final.xls</a></p> <p>and</p> <p><a href="http://www.studentadvocacycenter.org/legalresources/publications/Dan_Rubin_NotesForChart_7_28_03-1.doc">http://www.studentadvocacycenter.org/legalresources/publications/Dan_Rubin_NotesForChart_7_28_03-1.doc</a></p>
Maryland	<p>No.</p> <p>“While not mandatory, Maryland created a ‘Juvenile justice alternative education pilot program’ for students ‘who are suspended, expelled, or identified as being candidates for suspension or expulsion.’ MD Code, Education, § 7-305.1(a).”</p> <p><a href="http://www.studentadvocacycenter.org/legalresources/publications/rubincomparisonchart_final.xls">http://www.studentadvocacycenter.org/legalresources/publications/rubincomparisonchart_final.xls</a></p> <p>and</p> <p><a href="http://www.studentadvocacycenter.org/legalresources/publications/Dan_Rubin_NotesForChart_7_28_03-1.doc">http://www.studentadvocacycenter.org/legalresources/publications/Dan_Rubin_NotesForChart_7_28_03-1.doc</a></p>
Mississippi	<p>Yes.</p> <p>Mississippi provides alternative education for all students except “for any students expelled for possession of a weapon or other felonious conduct.”</p> <p><a href="http://www.studentadvocacycenter.org/legalresources/publications/rubincomparisonchart_final.xls">http://www.studentadvocacycenter.org/legalresources/publications/rubincomparisonchart_final.xls</a></p> <p>and</p> <p><a href="http://www.mde.k12.ms.us/dropout_prevention/Alternative%20Education.pdf">http://www.mde.k12.ms.us/dropout_prevention/Alternative%20Education.pdf</a></p>

State	Law requires schools to serve expelled students?
North Carolina	<p>No.</p> <p>“With the exception of children with disabilities as defined by the Individuals with Disabilities Education Act (IDEA), public school students in North Carolina have no right to continued educational services during any period of suspension or expulsion. G.S. 115C-366(a) grants to students the right to ‘all privileges and advantages of the public schools to which they are assigned by local boards of education’ unless they have been removed from school for cause or they have graduated. Removal for cause refers to suspension or expulsion.”</p> <p>(<a href="http://www.ncpublicschools.org/docs/accountability/evaluation/newsb1260.pdf">http://www.ncpublicschools.org/docs/accountability/evaluation/newsb1260.pdf</a>)</p> <p>In North Carolina, ‘if the student demonstrates to the satisfaction of the local board of education that the student’s presence in school no longer constitutes a threat to the safety of other students or employees, the board shall readmit the student to a school in that local school administrative unit on a date the board considers appropriate.’ N.C.G.S.A. § 115C-391(d). This ‘date the board considers appropriate’ is also not placed after any minimum number of days but is left to the discretion of the local school board.”</p> <p><a href="http://www.studentadvocacycenter.org/legalresources/publications/rubincomparisonchart_final.xls">http://www.studentadvocacycenter.org/legalresources/publications/rubincomparisonchart_final.xls</a></p> <p>and</p> <p><a href="http://www.studentadvocacycenter.org/legalresources/publications/Dan_Rubin_NotesForChart_7_28_03-1.doc">http://www.studentadvocacycenter.org/legalresources/publications/Dan_Rubin_NotesForChart_7_28_03-1.doc</a></p>
Oklahoma	<p>No.</p> <p><a href="http://www.studentadvocacycenter.org/legalresources/publications/rubincomparisonchart_final.xls">http://www.studentadvocacycenter.org/legalresources/publications/rubincomparisonchart_final.xls</a></p>
South Carolina	<p>No.</p> <p>“South Carolina’s alternative school program operates as an option to suspension or expulsion. Code 1976 § 59-63-1320(3).”</p> <p><a href="http://www.studentadvocacycenter.org/legalresources/publications/rubincomparisonchart_final.xls">http://www.studentadvocacycenter.org/legalresources/publications/rubincomparisonchart_final.xls</a></p> <p>and</p> <p><a href="http://www.studentadvocacycenter.org/legalresources/publications/Dan_Rubin_NotesForChart_7_28_03-1.doc">http://www.studentadvocacycenter.org/legalresources/publications/Dan_Rubin_NotesForChart_7_28_03-1.doc</a></p>

State	Law requires schools to serve expelled students?
Tennessee	<p>No.</p> <p>However, “despite not providing mandatory alternative education, Tennessee requires the department of education to ‘track all students expelled from their home school and report on their progress, and include such information in the report required to be filed.’ T.C.A. § 49-6-4216(e).”</p> <p><a href="http://www.studentadvocacycenter.org/legalresources/publications/rubincomparisonchart_final.xls">http://www.studentadvocacycenter.org/legalresources/publications/rubincomparisonchart_final.xls</a></p> <p>and</p> <p><a href="http://www.studentadvocacycenter.org/legalresources/publications/Dan_Rubin_NotesForChart_7_28_03-1.doc">http://www.studentadvocacycenter.org/legalresources/publications/Dan_Rubin_NotesForChart_7_28_03-1.doc</a></p>
Texas	<p>Yes.</p> <p>“In counties with a population over 125,000, state law requires that expelled students be placed in an alternative education setting. Districts located in these counties usually place expelled students in a district-operated DAEP or in a juvenile justice alternative education program (JJAEP) operated by the district or by the juvenile board for the county. Other districts may voluntarily serve expelled students in alternative settings such as DAEPs.”</p> <p><a href="http://www.tea.state.tx.us/peims/training/425_Record.html">http://www.tea.state.tx.us/peims/training/425_Record.html</a></p> <p>“If an expelled student from a county of 125,000 or less moves to a county of more than 125,000, the new school district may honor the expulsion under Chapter 37 but must allow the student to attend either the JJAEP or another education program provided by the school district for expelled students. Notwithstanding the exemption from compulsory attendance, if an expelled student is a special education student, the school district has a continuing obligation to provide a free appropriate public education to the student as required by 34 C.F.R. §300.121(d) regardless of the size of the county.”</p> <p><a href="http://www.tea.state.tx.us/taa/legal010731.html">http://www.tea.state.tx.us/taa/legal010731.html</a></p>
Virginia	<p>No.</p> <p><a href="http://www.studentadvocacycenter.org/legalresources/publications/rubincomparisonchart_final.xls">http://www.studentadvocacycenter.org/legalresources/publications/rubincomparisonchart_final.xls</a></p> <p>and</p> <p><a href="http://www.studentadvocacycenter.org/legalresources/publications/Dan_Rubin_NotesForChart_7_28_03-1.doc">http://www.studentadvocacycenter.org/legalresources/publications/Dan_Rubin_NotesForChart_7_28_03-1.doc</a></p>

State	Law requires schools to serve expelled students?
West Virginia	<p>No.</p> <p>“West Virginia leaves the decision to enroll a student who has been suspended or expelled to the school administrators in the district they are applying to enroll in. W. Va. Code, § 18-5-15(a). If the suspended or expelled student is denied enrollment by the county school to which they apply, they have the right to appeal the denial to the state board of education.” <a href="http://www.studentadvocacycenter.org/legalresources/publications/rubincomparisonchart_final.xls">http://www.studentadvocacycenter.org/legalresources/publications/rubincomparisonchart_final.xls</a> and <a href="http://www.studentadvocacycenter.org/legalresources/publications/Dan_Rubin_NotesForChart_7_28_03-1.doc">http://www.studentadvocacycenter.org/legalresources/publications/Dan_Rubin_NotesForChart_7_28_03-1.doc</a></p>



We provide research based information on educational initiatives happening nationally and regionally. The EBE Request Desk is currently taking requests for:

- Research on a particular topic
- Information on the evidence base for curriculum interventions or professional development programs
- Information on large, sponsored research projects
- Information on southeastern state policies and programs

For more information or to make a request, contact:

**Karla Lewis**  
**1.800.755.3277**  
**[klewis@serve.org](mailto:klewis@serve.org)**

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